

# Pier Articles Survive Storm

By KEITH L. MARTIN

It was an action-packed two-hour journey for the pair of articles regarding piers, but the legislation survived the often harsh waters of Monday's session of Town Meeting with its share of bumps and bruises.

Things got off to a rough start as voters initially rejected Article 16, which creates a new Waterfront Scenic Area (WSA) overlay district in

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Duxbury's zoning bylaw made up of areas in town that present open and unobstructed views to the waters in town.

Following a brief presentation by Bill TenHoor, chairman of the Pier Access and Shoreline Study (PASS) committee, on not only the creation of the WSA areas but Article 17 that governs pier construction in this and other areas, no comments came from the public and Town Moderator Allen Bornheimer called for a vote.

Because the motion to approve Article 16 was to change the zoning bylaws, it required a two-thirds vote by the audience, but failed to achieve this with 131 voting for and 90 voting against the article.

This set off a flurry of activity among PASS committee members as well as the Planning Board, who sponsored the article, on what to do regarding Article 17, which included regulations for a new district that voters had just prevented from being created.



**Shawn Dahlen of the PASS committee got two of his three amendments passed to change language in Article 17 that governs piers.**

After the introduction of Article 17, TenHoor offered an amendment to the proposed bylaws from his committee to a section that adjusted the height of residential piers which was approved by a majority of voters.

PASS committee member Shawn Dahlen then proposed the first of his own amendments. Dahlen proposed a change to a part of the bylaw that addressed handrails on piers in the just-defeated waterfront scenic area. While TenHoor recommended that the language in the bylaw regarding this district be deleted completely, Dahlen instead wanted to go forward with his amendment in case voters were asked to reconsider Article 16.

After a motion to close debate on Article 17 completely and vote was denied, Dahlen's amendment to change a "shall" to a "may" regarding handrails was approved.



**Town voters first rejected Article 16 to create a Waterfront Scenic Area, but nearly two hours later reconsidered the legislation and adopted it.**

Following more questions regarding the need for debate regarding portions of Article 17 that referred to the waterfront scenic areas, Bornheimer instructed speakers to address the article being discussed and then he would entertain a motion for voters to reconsider implementing the WSAs through voting on Article 16 again.

Dahlen's second amendment to address piers in areas where there are no salt marshes was denied by voters after PASS committee member Peter Roveto countered his claim that language used was confusing and said the committee already discussed this in their deliberations on the article's language.

The third and final amendment suggested by Dahlen was the one that created the most debate, bringing waterfront owners, boaters and others to the microphones to state their opinions for nearly 45 minutes.

In Article 17 as presented to voters, a majority of PASS members voted to recommend a 150-foot buffer zone on the sidelines of each of the town's public landings and "ways to the water." It is the feeling of the committee that piers have negative effects on

town landings by reducing the access landings were intended to create, introducing navigational hazards and other issues.

The exact size of the buffer zone had been a sticking point among members for months and part of why the group initially decided in February to consider indefinitely postponing the articles before Town Meeting.

Dahlen did not recommend a 75-foot buffer zone as he had expressed in past public hearings with selectmen and the planning board to represent the minority view of the committee, but instead a 50-foot zone.

In a long speech, Dahlen said that rather than the 16 to 19 residents that would be prohibited from building a pier with the 150-foot buffer zone, a 50-foot distance would affect only one, which he said was still regrettable. He added that his proposal "balanced public and private rights" rather than impacting a greater amount of waterfront land owners and allowed residents to "co-exist and enjoy" town landings and ways to the water.



# Pier Articles Survives Storm of Debate

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Roveto then delivered a speech of his own indicating that the committee compromised on many parts of the article, including the buffer zone issue. He added that while the 150-foot buffer zone does impact close to 20 residents, there are the potential for another 217 piers in town. The PASS committee, said Roveto, chose not to restrict more piers than it felt necessary.

"To support [Dahlen's] recommendation would take two years of study and compromise...and essentially make this a step-by-step guide on how to build piers," he said.

After the two committee members' speeches came a number of speakers supporting each viewpoint. From one resident calling the article's goal to make change "a sledgehammer rather than a surgical scalpel" to another expressing her safety concerns regarding boating with a 50-foot buffer zone, many opinions were expressed.

After another motion to vote the both the amendment and the article was called for and approved, Dahlen's amendment for the 50-foot buffer zone was approved by voters.

Article 17 was also approved by a count of 198 to 47, exceeding the two-thirds requirement.

With rules in place, Planning Board member Aboud Al-Zaim passed on making a motion to reconsider Article 16. The motion

was then made immediately by Washington Street resident and Zoning Board of Appeals Chairman James Lampert.

With the motion accepted by voters, discussion on the article also heard audible pros and cons, including planning board member Amy MacNab who said there was a lot at stake when you "craft zoning bylaws" on Town Meeting floor and said her group had never heard of Dahlen's desire for a 50-foot setback until now.

Voters spoke the loudest however, with a large majority approving Article 16 by

voice and not forcing a final count.

On Tuesday, TenHoor said overall he was happy with what town voters approved after so much hard work from his committee.

"I think we came away with a least the fact that the town established a precedent around town landings," he said. "We would've liked 150 feet [as the buffer zone] and I was surprised 50 feet was an option and that some of the data presented [to support this] was not that of our committee, but that's politics. Our committee did the best job possible."